



1631

PATENT
Attorney Docket No. 044574-5040-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Patrick C. KUNG *et al.*

Application No. 09/830,033

Filed: October 22, 2001

For: **PHYTOMICS: A GENOMIC-BASED
APPROACH TO HERBAL
COMPOSITIONS**

Group Art Unit: Unassigned

Examiner: Unassigned

TECH CENTER 1600/2900

MAY 16 2002

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Commissioner for Patents
Washington, D.C. 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL FORM

1. Prior to the examination of the above-identified application, transmitted herewith is a Supplemental Information Disclosure Statement

2. Papers enclosed:

- ☒ Supplemental Information Disclosure Statement
☒ Form PTO-1449, 13 references cited on PTO-1449

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

X Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 400.00 | \$ 200.00 |
| <input type="checkbox"/> three months | \$ 920.00 | \$ 460.00 |
| <input type="checkbox"/> four months | \$ 1,440.00 | \$ 720.00 |

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

4. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|----------------------------------|-------|-----------------------------|---------------|--------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | | minus | | | x \$18 each= | + \$ |
| Independent Claims (37 C.F.R. §1.16(b)) | | minus | | | x \$84 each= | + \$ |
| [] First presentation of Multiple dependent claim(s) | | | | | \$280.00 | + \$ |
| SUB-TOTAL = | | | | | | \$ |
| Reduction by ½ for filing by a small entity | | | | | | - \$ |
| TOTAL FEE = | | | | | | \$ |

5. Fee Payment

☒ No fee is to be paid at this time.

Check no. _____ in the amount of \$ _____. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

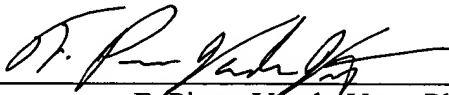
6. Constructive Petition

X EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: May 14, 2002

By: 
F. Pierre VanderVegt, Ph.D.
Reg. No. 49.088

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PATENT
ATTORNEY DOCKET NO. 44574-5040-US

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| Patrick C. KUNG <i>et al.</i> |) | |
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| Application No.: 09/830,033 |) | Group Art Unit: Unassigned |
| |) | |
| Filed: October 22, 2001 |) | Examiner: Unassigned |
| |) | |
| For: PHYTOMICS: A GENOMIC-BASED |) | |
| APPROACH TO HERBAL |) | |
| COMPOSITIONS |) | |

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Supplemental Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits in accordance with 37 C.F.R. § 1.97(b)(3). In the event that a first Office Action on the merits has been mailed, this Supplemental Information Disclosure Statement is also being filed not more than three months after the first citation by a foreign patent office of each item of information on the accompanying form PTO-1449 in a counterpart foreign application in accordance with 37 C.F.R. § 1.97(e)(1). Accordingly, Applicants do not believe that a fee is due for filing this paper.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

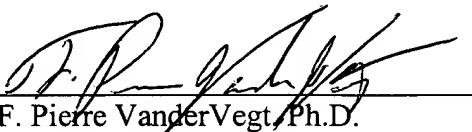
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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F. Pierre VanderVegt, Ph.D.
Reg. No. 49,088

Dated: May 14, 2002

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